

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 2992 - SB 2800

March 16, 2012

SUMMARY OF BILL: Specifies that a domestic assault committed in the presence of a child who is 13 years of age or younger constitutes a Class E felony offense of aggravated assault. Requires the offender to pay for any counseling for the child who observed the domestic assault. Authorizes law enforcement officers investigating a domestic assault committed in the presence of a child to use their discretion in determining whether to notify the Department of Children's Services (DCS) for investigative purposes.

ESTIMATED FISCAL IMPACT:

**Increase State Expenditures – \$1,076,300
\$5,700/Incarceration***

Increase Federal Expenditures - \$679,100

Assumptions:

- The Department of Correction estimates one additional Class E felony offense for committing domestic assault in the presence of a child who is 13 years of age or younger.
- According to the U. S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. No additional incarceration costs as a result of population growth. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one additional Class E felony every five years.
- According to the Department of Correction (DOC), the average operating cost per offender per day for calendar year 2012 is \$61.36. The average post-conviction time served for a Class E felony is 1.28 years (467.52 days) at a cost of \$28,687.03 (\$61.36 x 467.52 days). The annualized cost per offender is \$5,737.14 (0.20 annual number of convictions x \$28,687.03).
- The Department of Children's Services (DCS) estimates its investigations would increase by five percent or 3,161 (63,220 current investigations x 5%), and of these additional investigations an additional 60 children would come into custody with an average length of stay of 219 days.
- According to DCS, the average cost per day is \$96, resulting in an increase in expenditures of \$1,261,440 (60 x 219 days x \$96).

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- Of the total increase of \$1, 261,440, seven percent (\$88,300) will be Title IV-E federal funds; 49 percent (\$618,106) will be through TennCare; and 44 percent (\$555,034) will be state funds.
- Of the \$618,106 in TennCare funds, \$208,994 are state funds at a rate of 33.812 percent and \$409,112 are federal funds at a 66.188 percent match rate.
- It is estimated that DCS will need six additional case managers, resulting in an increase in expenditures of \$362,718 which includes salaries (\$34,400), benefits (\$11,053), and communications, networking, travel, and supplies (\$15,000) for each position.
- It is estimated that DCS will need two additional team leaders, resulting in an increase in expenditures of \$131,260 which includes salaries (\$38,900), benefits (\$11,730), and communications, networking, travel, and supplies (\$15,000) for each position.
- Of the total increase of \$493,978, seven percent (\$34,578) will be Title IV-E federal funds; 45 percent (\$222,290) will be through TennCare; and 48 percent (\$237,110) will be state funds.
- Of the \$222,290 in TennCare funds, \$75,161 are state funds at a rate of 33.812 percent and \$147,129 are federal funds at a 66.188 percent match rate.
- Total increase in state expenditures of \$1,076,299 (\$555,034 + \$208,994 + \$237,110 + \$75,161) and total increase in federal expenditures of \$679,119 (\$88,300 + \$409,112 + \$34,578 + \$147,129).

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Lucian D. Geise, Executive Director

/lsc